

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF WYOMING**



2:51 pm, 5/29/09

Tim J. Ellis
Clerk of Court

IN RE:)
JONCE A. EDWARDS,) Case No. 08-20119
)
) Chapter 13
)
Debtor(s).)

**ORDER DENYING CONFIRMATION OF DEBTOR'S AMENDED
CHAPTER 13 PLAN DATED MARCH 6, 2009**

THIS MATTER, having come before the Court on May 19, 2009, for an evidentiary hearing on confirmation of Debtor's Amended Chapter 13 Plan ("Plan"), and the objections to confirmation of the Standing Chapter 13 Trustee; the Debtor being present with his attorney, Stephen R. Winship; the Standing Trustee also being present, the Court having heard testimony and received evidence offered by the parties, and being fully advised in the matter, **FINDS:**

1. A review of the history of this case shows that the petition was filed on March 12, 2008. An Order Denying Confirmation of Debtor's Chapter 13 Plan was entered in the case on June 26, 2008. The amended plan now before the Court was filed on March 6, 2009.

2. The case has been pending for more than one year and a plan has not been confirmed. The delay of the Debtor in proposing a confirmable plan is unreasonable and prejudicial to his creditors.

3. Debtor's annualized current monthly income exceeds the applicable median family income for a family of one person, and the applicable commitment period of his plan must be five years, unless he pays his creditors in full. Debtor is required to turn over any tax refunds he may become entitled to receive during the applicable commitment period of five years, to the

Trustee.

4. The balloon payment proposed by the Debtor is speculative and burdensome to his creditors. Debtor has sufficient monthly disposable income to pay his creditors in full by making regular monthly plan payments.


5. Debtor's plan is ambiguous. It does not state the correct amount of the total of payments that will be made under the plan.

THEREFORE IT IS ORDERED that confirmation of Debtors' Plan, is hereby denied, without prejudice.

IT IS FURTHER ORDERED, that the Debtor shall immediately file an amended plan, and if an amended plan is not filed by the Debtor, the Trustee shall file a motion to dismiss the case.

DATED this 27 day of May, 2009.

BY THE COURT:



Peter J. McNiff
United States Bankruptcy Judge